

Message Text

LIMITED OFFICIAL USE

PAGE 01 PORT A 03658 01 OF 02 292309Z
ACTION ARA-10

INFO OCT-01 EUR-12 ISO-00 ARAE-00 DHA-02 ORM-02 IO-13
AID-05 CIAE-00 DODE-00 PM-04 H-01 INR-07 L-03 NSAE-00
NSC-05 PA-01 PRS-01 SP-02 SS-15 USIA-06 /090 W
-----301532Z 025659 /43

P R 292215Z DEC 76
FM AMEMBASSY PORT AU PRINCE
TO SECSTATE WASHDC PRIORITY 3684
INFO AMEMBASSY SANTO DOMINGO
AMEMBASSY KINGSTON
AMEMBASSY PARIS

LIMITED OFFICIAL USE SECTION 1 OF 2 PORT AU PRINCE 3658

EO 11652 N/A
TAGS: SHUM, PINS, HA
SUBJECT: CHRISTMAS AMNESTY IN HAITI: A CONSTRUCTIVE HUMAN RIGHTS
INITIATIVE

1. SUMMARY: THE TRADITIONAL CHRISTMAS AMNESTY THIS YEAR WAS UNUSUALLY EXTENSIVE, AFFECTING 164 COMMON LAW AND POLITICAL PRISONERS, INCLUDING SEVERAL WELL KNOWN OLD GUARD DUVALIERISTS FALLEN FROM GRACE AND INTO OPPOSITIONIST HABITS, A GROUP OF EIGHT SUSPECTED COMMUNISTS (IMMEDIATELY DEPORTED TO EUROPE), AND MEMBERS OF THE ABORTIVE 1970 COAST GUARD MUTINY. THE SCOPE OF THE ACTION, AND THE DECISION TO EXILE RATHER THAN DETAIN THE EIGHT WHO WERE CONSIDERED DANGEROUS SUBVERSIVES, REFLECTS THE GOVERNMENT'S GROWING RESPONSIVENESS TO HUMAN RIGHTS FACTORS AND MAY HAVE BEEN DESIGNED TO DEFLECT PRESSURES FROM THE U.S. ANTICIPATED DURING THE CARTER ADMINISTRATION. END SUMMARY

2. SCOPE OF MEASURE. CHRISTMAS OR NEW YEARS' AMNESTIES HAVE BECOME TRADITIONAL SINCE JEAN CLAUDE DUALIER'S ACCESSION TO POWER, AND SOME 500 PRISONERS HAVE BEEN
LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 02 PORT A 03658 01 OF 02 292309Z

RELEASED THUS FAR IN THE FIVE PRECEDING AMNESTIES. HOWEVER, THE NUMBER OF COMMON LAW AND POLITICAL PRISONERS RELEASED DECEMBER 24 (LIST CARRIED IN PRESS DEKEMBER 27) SUBSTANTIALLY EXCEEDED ANY PREVIOUS AMNESTY. OF THE TOTAL OF 164 PRISONERS RELEASED, NINETY WERE IDENTIFIED AS POLITICAL PRISONERS, THE FIRST TIME SUCH A DISTINCTION HAS BEEN MADE. THE

AMNESTY COVERED A WIDE RANGE OF THE POLITICAL SPECTRUM, FROM SUSPECTED COMMUNIST SUBVERSIVES TO DISAFFECTED "OLD GUARD" DUVALIERISTS TO PARTICIPANTS IN THE 1970 COAST GUARD MUTINY. MANY OF THESE MEN HAD BEEN THE OBJECTS OF DR. FRANCOIS DUVALIER'S PERSONAL WRATH, NOTABLY CLEMARD JOSEPH CHARLES, FORMER PRESIDENT OF THE COMMERCIAL BANK OF HAITI, AND JEAN JULME, FORMER MINISTER OF DEFENSE AND INTERIOR (1964-67) AND FORMER PRESIDENT OF THE NATIONAL ASSEMBLY (1962-64). BOTH MEN, FORMER FAVORITIES, HAD FALLEN FROM GRACE AND HAD ENGAGED IN OPPOSITIONIST MANEUVERING. CHARLES HAD BEEN UNDER ARREST SINCE 1970 FOR COMPLICITY IN THE COAST GUARD REBELLION AND JULME WAS IMPLICATED IN THE DISCOVERY IN 1975 OF ILLEGAL ARMS IN A SHIPMENT CONSIGNED TO A FORMER DEPUTY OF HINCHE, MME. ULRICK PAUL BLANC, WHO WAS ALSO RELEASED. LIST OF RELEASED PRISONERS BEING POUCHED.

3. PRO-COMMUNIST GROUP DEPORTED. IN A DEPARTURE FROM USUAL PRACTICE TOWARD COMMUNIST SUSPECTS, EIGHT PRISONERS CHARGED WITH SUBVERSIVE ACTIVITIES AND CONNECTIONS WITH THE OUTLAWED HAITIAN COMMUNIST PARTY (PUCH) WERE PLACED ABOARD AN AIR FRANCE FLIGHT TO PARIS DECEMBER 24 AND PROVIDED WITH \$300 IN POCKET MONEY WITH WHICH TO START THEIR EXILE. THE MEN WERE: FRANTZ LOFFICIAL, LIONEL DERENONCOURT, ALIX PIERRE-LOUIS, FRANCK DURE PLACIDE, GARRY PHILIPPI, MAX CHARLIER, SERGE CALVIN, AND JEAN GERARD PIERRE. DERENONCOURT, A FORMER CHURCH WORLD SERVICE EMPLOYEE, HAD BEEN THE OBJECT OF THE AMBASSADOR'S SPECIFIC INQUIRIES TO FOREIGN MINISTER BRUTUS, WHILE FRENCH AMBASSADOR LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 03 PORT A 03658 01 OF 02 292309Z

DEBLE HAD INTERCEDED ON BEHALF OF LOFFICIAL, AN ADMINISTRATOR OF THE FRENCH-FINANCED NATIONAL PEDAGOGICAL INSTITUTE. THE DECISION TO DEPORT THE MEN, MOST OF WHOM HAD BEEN IMPRISONED LESS THAN A YEAR, WAS SIGNIFICANT UNDER A GOVERNMENT OBSESSED WITH THE THREAT OF COMMUNIST-DIRECTED SUBVERSION AND ALERT TO THE CONTINUING EFFORTS BY COMMUNIST ORGANIZATIONS TO ESTABLISH CLANDESTINE NETWORKS IN HAITI. SECURITY OFFICIALS KNOW, FOR EXAMPLE, THAT CUBA CONTINUES TO ENCOURAGE HAITIAN EXILE GROUPS TO WORK FOR THE OVERTHROW OF THE REGIME. ACCORDINGLY, THE DECISION TO RELEASE AND DEPORT THE EIGHT MEN REFLECTED BOTH A MORE RESTRAINED ANTI-COMMUNIST POLICY AND A MORE SOPHISTICATED BALANCING OF INTERNAL SECURITY RISK AGAINST INTERNATIONAL POLITICAL ADVANTAGE.

4. THE INTERNATIONAL DIMENSION. THIS PAST YEAR HAS SEEN AN INCREASING RESPONSIVENESS TO THE HUMAN RIGHTS FACTOR IN HAITI'S BILATERAL AND INTERNATIONAL RELATIONS. AFTER THE ABORTIVE APRIL 1976 PLOT TO OVERTHROW THE

REGIME, AND IN CONTRAST TO EARLIER PERIODS, INTERROGATIONS AND ARRESTS WERE SELECTIVE RATHER THAN DESIGNED TO INSTILL TERROR IN THE POPULATION. THE GOVERNMENT TOOK CAREFUL NOTE OF SECRETARY KISSINGER'S HUMAN RIGHTS SPEECH AT THE SANTIAGO OAS GENERAL ASSEMBLY IN JUNE, A SPEECH WHICH THE EMBASSY FORMALLY BROUGHT TO THE FOREIGN MINISTRY'S ATTENTION. EMPHASIS ON HUMAN RIGHTS ISSUES DURING THE U.S. PRESIDENTIAL CAMPAIGN AND THE EXPLICIT POSITIONS TAKEN BY PRESIDENT-ELECT CARTER WERE ALSO NOTED HERE. EVEN BEFORE THE CAMPAIGN, HOWEVER, PRESIDENT DUVALIER REPORTEDLY HAD BEGUN SECRET EVENING INTERVIEWS IN THE PALACE WITH INDIVIDUAL POLITICAL PRISONERS IN ORDER TO EVALUTE THE GROUNDS FOR THEIR ORIGINAL ARRESTS AND TO REACH A DECISION AS TO THEIR EVENTUAL RELEASE. A DELEGATE FROM THE INTERNATIONAL RED CROSS INSPECTED THE PORT AU PRINCE PENITENTIARY EARLIER IN THE YEAR AND WORD OF A RETURN IRC VISIT REPORTEDLY PROMPTED THE PRESIDEN TO MAKE A LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 04 PORT A 03658 01 OF 02 292309Z

PERSONAL INSPECTION VISIT, WHICH RESULTED IN THE SEPTEMBER 29 RELEASE OF 261 PRISONERS WHO HAD SERVED EXCESSIVE PERIODS OF TIME WHILE AWAITING TRIAL. GREATER ACCEPTANCE OF GOVERNMENT RESPONSIBILITIES IN THE HUMAN RIGHTS FIELD, AS REFLECTED IN THE RECENT CHILEAN AMNESTY AND IN THE SOVIET UNION'S CONTINUED DEPORTATION OF PROMINENT DISSIDENTS, WAS NOT LOST UPON HAITIAN AUTHORITIES. QUIET HIGH LEVEL TALKS BETWEEN GOH OFFICIALS AND THE PAPAL NUNCION, THE AOBASSADOR OF FRANCE AND AND CFMS., AND THE VISITING XAIRMAN OF THE HOUSE JUDICIARY COMMITTEE, CONGRESSMAN PETER RODINO, HAVE ALL CONTRIBUTED IN RECENT MONTHS TO SENSITIZE THE GOVERNMENT TOWARD THE HUMAN RIGHTS ISSUE AND TO THE NECESSITY TO IMPROVE ITS RECORD IN THIS FIELD.

LIMITED OFFICIAL USE

NNN

LIMITED OFFICIAL USE

PAGE 01 PORT A 03658 02 OF 02 301525Z
ACTION ARA-10

INFO OCT-01 EUR-12 ISO-00 ARAE-00 DHA-02 ORM-02 IO-13
AID-05 CIAE-00 DODE-00 PM-04 H-01 INR-07 L-03 NSAE-00

NSC-05 PA-01 PRS-01 SP-02 SS-15 USIA-06 /090 W

-----301532Z 033099 /41

P R 292215Z DEC 76

FM AMEMBASSY PORT AU PRINCE

TO SECSTATE WASHDC PRIORITY 3685

INFO AMEMBASSY SANTO DOMINGO

AMEMBASSY KINGSTON

AMEMBASSY PARIS

LIMITED OFFICIAL USE SECTION 2 OF 2 PORT AU PRINCE 3658

5. LOCAL REACTION. HAITIANS IN THE BUSINESS AND PROFESSIONAL CIRCLES OF PORT AU PRINCE HAVE WELCOMED THE LATEST AMNESTY AS A SIGNIFICANT STEP, REFLECTING A GOOD DEAL OF POLITICAL COURAGE ON THE PART OF THE PRESIDENT AND, IN THE VIEW OF MANY, AUGURING WELL FOR FURTHER REFORMS IN THE ADMINISTRATION OF JUSTICE AND THE TREATMENT OF PRISONERS. MANY DISCERN EVIDENCE OF A MORE ASTUTE PRESIDENTIAL GRASP OF AFFAIRS, A GREATER WILLINGNESS TO FACE UP TO THE SERIOUS RESIDUAL SOCIAL AND LEGAL CONSEQUENCES OF DR. FRANCOIS DUVALIER'S REPRESSIVE PRACTICES, AND A GREATER CONFIDENCE THAT MORE FLEXIBLE METHODS CAN ASSURE INTERNAL SECURITY AS EFFECTIVELY AS THE MORE HEAVYHANDED MEASURES USED UNDER THE PREVIOUS REGIME. AT THE SAME TIME, OBSERVERS POINT OUT SOME PROMINENT POLITICAL PRISONERS REMAIN UNDER DETENTION, NOTABLY CLAUDE DUVAL, SON OF A LEADING PORT AU PRINCE BUSINESSMAN, WHO WAS ARRESTED IN EARLY 1976. DUVAL IS WIDELY REGARDED AS A TEST CASE OF THE REGIME'S ABILITY TO DISTINGUISH BETWEEN ACTIVE CONSPIRATORS AND LEFT WING THEORIZERS CARRIED AWAY, IN HAITIAN FASHION, BY THEIR OWN RHETORIC. THE LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 02 PORT A 03658 02 OF 02 301525Z

GOVERNMENT'S CONTINUED FAILURE TO PROVIDE ANY WORD OF DUVAL'S PRESENT CONDITION OR WHEREABOUTS REMAINS DEEPLY TROUBLING. MOREOVER, UNTIL THE GOVERNMENT GIVES AN ACCOUNTING OF THOSE WHO HAVE DIED IN JAIL-- AND THE NUMBER IS BELIEVED TO BE SUBSTANTIAL--THE EFFECT OF THIS AND OTHER AMNESTIES WILL BE LIMITED AND THE ATMOSPHERE WILL CONTINUE TO BE POISONED BY MEMORIES OF THE BRUTAL AND ARBITRARY FATE VISITED UPON REAL OR IMAGINED OPPOSITIONISTS DURING THE 1960S.

6. POLICY IMPLICATIONS. THE 1976 CHRISTMAS AMNESTY SHOULD CONSOLIDATE PRESIDENT DUVALIER'S AUTHORITY AS HIS OWN MAN, MORE RESOLUTE IN LOOSENING THE PSYCHOLOGICAL GRIP EXERTED BY HIS REDOUBTABLE FATHER AND IN CONTESTING MADAME DUVALIER'S REACTIONARY COUNSELS. THE FUNDAMENTAL

QUESTION REMAINS, HOWEVER, WHETHER A SWEEPING POLITICAL AMNESTY SUCH AS THIS WILL ENCOURAGE, AMONG SOME SEGMENTS OF SOCIETY, DEMANDS FOR MORE EFFECTIVE AND INSTITUTIONALIZED PROTECTION AGAINST WIDESPREAD LEGAL ABUSES AND ADMINISTRATIVE MALFEASANCE. AS ONE HAITIAN OBSERVER COMMENTED, "DEMOCRACY IS A DEMANDING NOTION; IT IS NO MORE POSSIBLE TO BE A LITTLE BIT DEMOCRATIC THAN IT IS TO BE A LITTLE BIT PREGNANT." IN ANY CASE, THE 1976 CHRISTMAS AMNESTY ENDED THE YEAR ON A HOPEFUL NOTE AND GAVE SOME REASON TO THINK THAT HAITIAN LEADERSHIP WOULD EXHIBIT IN 1977 A MORE SUSTAINED AND REALISTIC ATTENTION TO THE MANY UNRESOLVED PROBLEMS OF HUMAN RIGHTS IN HAITI.

ISHAM

LIMITED OFFICIAL USE

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: HUMAN RIGHTS, AMNESTY, POLICIES, POLITICAL PRISONERS, GOVERNMENT MINISTRIES, POLITICAL SUMMARIES
Control Number: n/a
Copy: SINGLE
Draft Date: 29 DEC 1976
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: coburnhl
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1976PORTA03658
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: UPGRADED PER MEMO P830015-0358
Executive Order: R9 19870926 MCMANAWAY, C E
Errors: N/A
Film Number: P830015-0362, D760476-0338
From: PORT AU PRINCE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1976/newtext/t1976127/aaaaafie.tel
Line Count: 236
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION ARA
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: UNCLASSIFIED
Original Previous Handling Restrictions: LOU
Page Count: 5
Previous Channel Indicators: n/a
Previous Classification: UNCLASSIFIED; CONFIDENTIAL
Previous Handling Restrictions: LOU
Reference: n/a
Review Action: RELEASED, APPROVED
Review Authority: coburnhl
Review Comment: n/a
Review Content Flags:
Review Date: 26 APR 2004
Review Event:
Review Exemptions: n/a
Review History: RELEASED <26 APR 2004 by BoyleJA>; APPROVED <12 AUG 2004 by coburnhl>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
04 MAY 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: CHRISTMAS AMNESTY IN HAITI: A CONTRUCTIVE HUMAN RIGHTS INITIATIVE
TAGS: SHUM, PINS, HA, (DUVALIER, JEAN CLAUDE)
To: STATE SANTO DOMINGO
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006